



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,400	10/31/2000	Kwame Delandro	57761.000143	6994

7590 05/20/2005
Hunton & Williams
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,400

Applicant(s)

DELANDRO ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-61, 63-65, 67-76, 78-82, 84-88, 90-93 and 95-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-61, 63-65, 67-69, 71-76, 78-82, 84-88, 90-93 and 95-100 is/are rejected.
- 7) ☒ Claim(s) 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

This Office Action is in response to a communication made on March 24, 2005.

Claims 48-61, 63-65, 67-76, 78-82, 84-88, 90-93, and 95-100 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48-55, 57-61, 63-65, 67-69, 72-76, 78-82, 84-88, 90-93, and 95-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nierlich (6519509) in view of Anderson (6578142) and in further view of Ambrose (6553563).

Regarding claims 48, 63, 92, and 98, Nierlich discloses a method of integrating a software system over a network, comprising: (a) receiving an order for a software system from a user for a user system at a server over the network (Column 5, lines 31 – 33); (b) configuring the user system over the network (Column 5, lines 39 – 45; Column 6, lines 58 – 60); and (c) installing the software system on the user system over the network (Column 5, lines 45 – 46); and wherein the software system comprises a power control system (Column 3, lines 26 – 30), but Nierlich does not explicitly indicate developing at least one software application for the software system; customizing a screen display for the software system over the network; and integrating at least one software application and the screen design for the application to produce an integrated

Art Unit: 2155

software system. Anderson teaches a system of initializing software applications on a computer and the steps of (d) transmitting the order for a software system to a development facility (Column 3, line 64 – Column 4, line 3); and (e) receiving at least one software application for the software system from the development facility (Column 5, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Anderson's teaching on Nierlich's remote installation of a power management control system in order to give the user more control over what items are going to be placed based on the configuration of the user system (Column 5, lines 21 – 38). Ambrose teaches a software development system that includes customizing screen designs for the software applications (Column 6, lines 5 – 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ambrose's teachings and Anderson's disclosure of software development in order to allow the user to develop the graphic menu as part of the creation process of the software application in order to have those graphic menus as personalized to the system as possible (Column 6, lines 5 – 11).

Regarding claims 78, 84, and 99, Nierlich in combination with Anderson discloses a method of integrating a software system over a network comprising: (a) receiving user information over the network (Anderson, Column 5, lines 14 - 17); (b) creating at least one software application based on at least the received user information (Anderson, Column 5, lines 26 - 30); (c) configuring a user system over the network (Anderson, Column 5, lines 11 – 21); (d) downloading the at least one software application to the user system (Anderson, Column 3, lines 57 – 64); (e) configuring user

devices over the network to support the at least one software application (Nierlich, Column 5, lines 5 – 17; Column 5, lines 54 – 60); (f) testing the at least one software application over the network (Nierlich, Column 10, lines 17 – 22); and wherein the software system comprises a power control system (Nierlich, Column 3, lines 26 – 30), but Nierlich does customizing a screen display for the software system over the network; and integrating at least one software application and the screen design for the application to produce an integrated software system. Ambrose teaches a software development system that includes customizing screen designs for the software applications (Column 6, lines 5 – 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ambrose's teachings and Anderson's disclosure of software development in order to allow the user to develop the graphic menu as part of the creation process of the software application in order to have those graphic menus as personalized to the system as possible (Column 6, lines 5 – 11).

Regarding claims 90, 91, and 100, Nierlich in combination with Anderson discloses a method of integrating a software system over a network, comprising: (a) receiving an order for a software system from a user at a server over the network (Anderson, Column 3, lines 49 – 55; Column 9, lines 9 – 11; Nierlich, Column 5, lines 31 – 33)); (b) transmitting the order for a software system to a development facility (Anderson, Column 3, line 64 – Column 4, line 3); (c) receiving at least one software application for the software system from the development facility (Anderson, Column 5, lines 33 – 38); (d) installing the software system on a user system over the network

Art Unit: 2155

(Anderson, Column 3, lines 57 - 64); and (e) starting up operation of the software system over the network (Anderson, Column 3, lines 48 - 56); and wherein the software system comprises a power control system (Nierlich, Column 3, lines 26 - 30), but Nierlich does customizing a screen display for the software system over the network; and integrating at least one software application and the screen design for the application to produce an integrated software system. Ambrose teaches a software development system that includes customizing screen designs for the software applications (Column 6, lines 5 - 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ambrose's teachings and Anderson's disclosure of software development in order to allow the user to develop the graphic menu as part of the creation process of the software application in order to have those graphic menus as personalized to the system as possible (Column 6, lines 5 - 11).

Regarding claims 49, 64, and 93, Nierlich discloses that the network comprises the Internet (Column 3, lines 9 - 12; lines 22 - 26).

Regarding claims 50 and 65, Nierlich does not explicitly indicate the steps of: (d) transmitting the order for a software system to a development facility; and (e) receiving at least one software application for the software system from the development facility. Anderson teaches a system of initializing software applications on a computer and the steps of (d) transmitting the order for a software system to a development facility (Column 3, line 64 - Column 4, line 3); and (e) receiving at least one software application for the software system from the development facility (Column 5, lines 33 -

Art Unit: 2155

38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Anderson's teaching on Nierlich's remote installation of a power management control system in order to give the user more control over what items are going to be placed based on the configuration of the user system (Column 5, lines 21 – 38).

Regarding claims 51 and 66, Nierlich in combination with Anderson discloses a step of (f) developing at least one software application for the software system (Anderson, Column 5, lines 33 - 38).

Regarding claims 52, and 67, Nierlich in combination with Anderson discloses the step of (g) testing the at least one software application (Nierlich, Column 10, lines 17 – 22).

Regarding claim 53 and 68, Nierlich in combination with Anderson discloses the step of (h) developing at least one software application for the software system (Anderson, Column 5, lines 33 - 38), wherein developing the at least one software application comprises the steps of: (i) receiving user information over the network (Anderson, Column 5, lines 14 - 17); (j) preparing a project design for the software application based on the user information (Anderson, Column 5, lines 26 - 30); (k) transmitting the project design to the user over the network (Anderson, Column 5, lines 25 - 26); (l) receiving user feedback over the network; and (m) revising the project design until the user feedback does not contain change requests (Anderson, Column 5, lines 33 - 38).

Regarding claim 54 and 69, Nierlich in combination with Anderson and Ambrose discloses the steps of (n) developing at least one software application (Anderson, Column 5, lines 33 – 38); (o) creating supplier links for ordering material over the network (Anderson, Column 5, lines 36 – 38); and (q) integrating the at least one software application, the supplier links and the screen design for the application to produce an integrated software system (Anderson, Column 5, lines 36 – 38).

Regarding claim 55, the combination of Nierlich, Anderson, and Ambrose discloses that customizing a screen design comprises at least one of the steps of creating a new human machine interface project; starting up a configuration application over the network (Nierlich, Column 5, lines 31 – 56); adding devices using the configuration application; adding trend points to a historical database; creating a one line diagram screen; creating trend and tabular screens for each device; setting passwords for each user; and testing the screen design with a dynamic data exchange simulator to ensure functionality.

Regarding claims 57 and 72, Nierlich discloses that starting up operation of the software system over the network (Column 5, lines 31 – 56), and wherein the starting up operation of the software system over the network comprises a step of (bb) configuring user devices over the network to support the software system (Column 5, lines 40 – 59) and testing the software system on the user system (Column 6, lines 50 – 52; lines 58 – 65; Column 10, lines 17 – 22).

Regarding claims 58 and 73, Nierlich discloses the step of (cc) supporting the software system on the user system over the network after start up (Column 5, line 63 – Column 6, line 6).

Regarding claims 59 and 74, Nierlich discloses the step of (dd) starting up operation of the software system over the network (Column 5, lines 31 – 56).

Regarding claims 60, 61, 75, and 76, Nierlich discloses that the user system comprises at least one of a personal computer, a mainframe, and a network (Column 3, lines 27 – 30; lines 1 – 8).

Regarding claims 79, 80, 81, 82, 85, 86, 87, and 88, Nierlich discloses that the user system comprises at least one of a personal computer, a mainframe, and a network (Column 3, lines 27 – 30; lines 1 – 8).

Regarding claim 95, Nierlich in combination with Anderson discloses a software development module configured to develop software over the network (Anderson, Column 5, lines 33 - 38).

Regarding claim 96, the combination of Nierlich and Anderson in view of Ambrose teaches a screen design module configured to customize a screen design over the network (Column 6, lines 5 – 10).

Regarding claim 97, Nierlich in combination with Anderson discloses a supplier link module configured to create supplier links for ordering material over the network (Anderson, Column 5, lines 33 – 38).

Claims 56 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nierlich (6519509) in view of Anderson (6578142) and in further view of

Ambrose (6553563) as applied to claims 48-55, 57-61, 63-65, 67-69, 72-76, 78-82, 84-88, 90-93, and 95-100 above, and further in view of Eller (6643555).

Regarding claims 56 and 71, the combination of Nierlich and Anderson in view of Ambrose discloses that installing the software system on a user system over the network comprises the steps of: and the at least one software application onto the user system over the network (Anderson, Column 3, lines 57 – 59); and transferring the integrated application from a development system to the user system over the network (Anderson, Column 5, lines 14 – 21), but does not indicate installing human machine interface software. Eller teaches a system for developing software (Column 4, lines 41 – 47) that includes developing software that includes HMI software (Column 8, lines 54 – 59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Eller's system of developing software for systems that control and monitor smart devices in Nierlich's system in order to allow all parts of the system to be developed and be operation from one development source and be fully integrated (Column 1, lines 52 – 61).

Allowable Subject Matter

Claim 70 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is that the examiner has found that the prior art of record does not teach or suggest or render a system with the means for configuring a

Art Unit: 2155

system for power management over a network, which includes developing at least one software application for the system. More specifically, the prior art does not disclose or teach a software development system that received user information over a network and develops a software application and integrates a customized screen design. Where the customization of the screen design includes adding devices to the a configuration application, adding trend points to a historical database, creating a one line diagram screen, creating trend and tabular screens for each device, and testing the screen design with a dynamic data exchange simulator to ensure functionality. These differences are present in the specification and in dependent claim 70.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claims 48, 63, 78, 84, 90-92, and 98-100 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 54 and 69 have been fully considered but they are not persuasive. The applicant argues that the reference, Anderson does not disclose creating supplier links and integrating the supplier links into the software system. The examiner disagrees, the reference Anderson discloses linking the client to third party suppliers for information, allowing the client to choose options

Art Unit: 2155

based on those suppliers and integrate the client's selections of the suppliers links into the software system (Anderson, Column 5, lines 21 – 38).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6476828 issued to Burkett, because it discloses building a graphical user interface for a software application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER